

REMARKS

The Final Official Action mailed February 11, 2005, and the Advisory Action mailed May 23, 2005, have been received and their contents carefully noted. A Response was filed May 11, 2005. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to June 11, 2005. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 27, 2004.

Claims 1-43 were pending in the present application prior to the above amendment. New claims 44-55 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-55 are now pending in the present application, of which claims 1-4, 21, 22, 38 and 51 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action continues to reject claims 1-8 and 13-16 as obvious based on the combination of U.S. Patent No. 5,902,688 to Antoniadis et al. and U.S. Patent No. 6,049,167 to Onitsuka et al. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Each of the independent claims recite evaporating an organic electroluminescence material in an inert gas atmosphere. Antoniadis and Onitsuka, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention. The Final Official Action concedes that Antoniadis "does not teach that the vacuum atmosphere should be an inert gas" (pages 2-3, Paper No. 021005) and asserts that Onitsuka "teaches that the layers may be deposited by vacuum evaporation" and "the EL layer forming steps in the presence of an inert gas" (page 3, Id.). The Applicants respectfully disagree and traverse assertions in the Final Official Action and Advisory Action.

Onitsuka does not teach or suggest evaporating an organic electroluminescence material in an inert gas atmosphere. In fact, Onitsuka does not appear to be particularly concerned with the manner in which an organic EL multilayer structure is prepared. Onitsuka appears to teach that the "organic EL multilayer structure of the invention may be prepared in a conventional way" (column 9, lines 27-32). Specifically, Onitsuka appears to disclose a process where a step of forming layers to form an organic electroluminescent multilayer structure in vacuum chambers is carried out in a vacuum atmosphere (column 3, lines 34-38, and Id.). Other steps in Onitsuka appear to relate

to an inert gas atmosphere, but have nothing to do with forming layers to form an organic electroluminescent multilayer structure. In Onitsuka, a step of carrying the organic electroluminescent multilayer structure to a subsequent step is performed in a vacuum or an inert gas atmosphere (column 3, lines 39-42), and a step of assembling a shield member to a substrate bearing the organic electroluminescent multilayer structure in an assembling section is performed in an inert gas atmosphere (column 3, lines 44-53). However, Antoniadis and Onitsuka, either alone or in combination, do not teach or suggest evaporating an organic electroluminescence material in an inert gas atmosphere. Since Antoniadis and Onitsuka do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

New claims 44-55 have been added to recite additional protection to which the Applicant is entitled. The feature of a width range for a pattern of a light emitting layer is supported by the specification, for example, at page 7, lines 16-22. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 44-55 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789